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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,762	04/14/2004	Peter James McCann	2100.006300	6722
7590 Terry D. Morgan, Williams, Morgan & Amerson, P.C. Suite 1100 10333 Richmond Houston, TX 77042			EXAMINER LE, NHAN T	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 04/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,762

Applicant(s)

MCCANN ET AL.

Examiner

NHAN T. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities: Claim 12 is dependent claim of claim 11, not claim 111. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakatsugawa et al (US 20030144001).

As to claim 1, Nakatsugawa teaches a method for controlling communications to an access terminal, comprising: applying a first treatment to a packet flow and transmitting the first treated packet flow to the access terminal (see fig. 3, number 72, paragraphs 0084-0099); and applying a second treatment to a duplicate of the packet flow and transmitting the second treated duplicate packet flow to the access terminal during a hand off period (see fig. 3, number 73, paragraphs 0084-0099).

As to claim 2, Nakatsugawa teaches wherein the first and second treatments are maintained in a data structure in a router (see fig. 3, numbers 72, 73, paragraphs 0084-0099).

As to claim 3, Nakatsugawa teaches wherein the data structure is maintained or updated according to commands or instructions from one or more radio network controllers (see fig. 8, numbers 300, 400, paragraphs 0011-0017).

As to claim 4, Nakatsugawa teaches wherein the data structure is maintained or updated according to commands or instructions from the access terminal (see fig. 3, instruct transmission from block 72 to block 73, paragraphs 0084-0099).

As to claim 5, Nakatsugawa teaches wherein the first treatment is stored according to commands or instructions from a first radio network controller where the first treatment is used for packet flows destined to the first radio network controller (see fig. 3, number 75, paragraphs 0084-0099) and the second treatment is stored according to commands or instructions from a second radio network controller where the second treatment is used for packet flows destined to the second radio network controller (see fig. 3, number 75, paragraphs 0084-0099).

As to claim 6, Nakatsugawa teaches wherein the first treatment is removed from the data structure after the completion of the hand off from a first radio network controller to a second radio network controller (see fig. 8, numbers 300, 400, paragraphs 0011-0017).

As to claim 7, Nakatsugawa teaches where the first treatment remains resident in the data structure after the completion of the hand off from a first radio network controller to a second radio network controller, so that it remains available for use in the event of a ping pong hand off back to the first radio network controller (see fig. 8, numbers p4, p9, paragraphs 0011-0017).

As to claim 8, Nakatsugawa teaches where the first and second treatments comprise a packet data protocol context mapping (see paragraphs 0084-0099).

As to claim 9, Nakatsugawa teaches a method of controlling communications from an access terminal, comprising: applying a first treatment to a packet flow while attached to a first radio network controller (see fig. 3, number 72, paragraphs 0084-0099); applying a second treatment to a duplicate packet flow while attached to a second radio network controller during a hand off period (see fig. 3, number 73, paragraphs 0084-0099).

As to claim 10, Nakatsugawa teaches wherein the first and second treatments are maintained in a data structure within the access terminal (see fig. 3, numbers 72, 73, paragraphs 0084-0099).

As to claim 11, Nakatsugawa teaches wherein the data structure is maintained according to commands or instructions from one or more radio network controllers (see fig. 8, numbers 300, 400, paragraphs 0011-0017).

As to claim 12, Nakatsugawa teaches wherein the data structure is maintained according to commands or instructions from one or more routers (see fig. 3, numbers 72, 73, paragraphs 0084-0099).

As to claim 13, Nakatsugawa teaches wherein the first treatment is stored according to commands or instructions from a first radio network controller where the first treatment is used for packet flows destined to the first radio network controller (see fig. 3, number 75, paragraphs 0084-0099) and the second treatment is stored according to commands or instructions from a second radio network controller where the second

treatment is used for packet flows destined to the second radio network controller (see fig. 3, number 75, paragraphs 0084-0099).

As to claim 14, Nakatsugawa teaches wherein the first treatment is removed from the data structure after the completion of the hand off from a first radio network controller to a second radio network controller (see paragraphs 0084-0099).

As to claim 15, Nakatsugawa teaches where the first treatment remains resident in the data structure after the completion of the hand off from a first radio network controller to a second radio network controller, so that it remains available for use in the event of a ping pong hand off back to the first radio network controller (see paragraphs 0084-0099).

As to claim 16, Nakatsugawa teaches wherein the first and second treatments comprise one a packet data protocol context mapping (see paragraphs 0084-0099).

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sillasto et al (US 20050044130) teaches method for optimizing resources in radio system and radio.

Bender et al (US 20020001290) teaches distributed infrastructure for wireless data communication.

Ahmed et al (US 6,735,202) teaches mobility management techniques for use in an internet protocol based multimedia mobile network.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nhan T Le/

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Nhan T. Le